

Serial No. 09/773,863
Amtd. dated April 25, 2005
Reply to Office Action of January 25, 2005

Attorney Docket No. CS10686

REMARKS/ARGUMENTS

Claims 1 through 23 remain in this application. Claims 1, 10, 12 and 23 have been amended.

The disclosure is objected to for failing to provide a "Brief Summary of the Invention" section. Applicants respectfully submit that this section is not required. Moreover, the beginning of the detailed description already includes broad general statements about what is disclosed/described in the application in addition to the abstract. Therefore, applicants submit that there is no need for such an additional Summary section which is not required by the US Patent statutes and rules. To elaborate, 37 C.F.R. 1.73, also restated by MPEP §608.01(d), states:

"A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, *should* precede the detailed description. Such summary should, *when set forth*, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed." [emphasis added]

37 C.F.R. 1.73 above as well as 37 C.F.R. 1.77 describe elements of the application that "should" appear, including the Summary. However, OG notice page 1190 OG 74, Sept. 17, 1996, (Response to Comment 17) specifically states, "Section 1.77 is permissive rather than mandatory", and OG notice page 1190 OG 70, Sept. 17, 1996, that says that 1.77 has now been clarified by adding "if applicable", since 1.77 does not, by itself, require that an application include all of the listed sections. Also note that 37 C.F.R. Sections 1.71 to 1.75, which recite the various application sections, use the words "must" or "shall" when referring to the Specification, Abstract, Brief Description of the Drawings, and Claims, but uses the term "should" when

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referring to the Summary in 37 C.F.R. 1.73. Given the US PTO's own official comments on what is meant when using the term "should", this appears to make it clear that 37 C.F.R. 1.73 does not mean that an application "must" include a labeled section entitled Summary of the Invention. Therefore applicants respectfully request that this objection be withdrawn.

Claims 1 through 4, 6 through 10, 12, 13, 15 through 19, 22 and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,786,846 to Hiroaki ("Hiroaki patent"). Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Hiroaki patent in view of U.S. Patent Application Publication No. 2002/0118875 to Wilensky ("Wilensky publication"). Claims 11 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Hiroaki patent. Claims 20 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Hiroaki patent in view of U.S. Patent No. 6,282,206 to Hindus, et al. ("Hindus, et al. patent").

Claim 1 as amended provides, *inter alia*, displaying the abstract representation to the person such that the position of the abstract representation indicates the location of the person within the video capturing volume of the camera, and claim 10 as amended provides, *inter alia*, displaying the abstract representation to the user on a display of the two-way communication device, such that the position of the abstract representation indicates the location of the user within the video capturing volume of the camera. Also, claim 12 as amended provides, *inter alia*, a video processor for positioning the abstract representation in an image to be displayed to the person such that the position of the abstract representation indicates the location of the person within the video capturing volume of the camera, and claim 23 as amended provides, *inter alia*, a

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video processor for arranging the abstract representation and the image received from the second two-way communication device together in a composite image to be displayed to the user such that the position of the abstract representation indicates the location of the user within the video capturing volume of the camera. Support for the above recitation is provided at page 12, line 11, through page 13, line 8, of the specification. Thus, a position of an abstract representation indicates a location of a user or person within a video capturing volume of a camera.

In contrast, the Hiroaki patent describes a video communication terminal unit having a notification video generation section that generates a notification video indicating the local user is out of shoot range. The Hiroaki patent states that the notification video is text for alarming the user, codes/symbols for alarming (such as an arrow), illustrations/picture indicating the deviation, landscape of a different place, or video image filmed by the local user site. The notification video, described by the Hiroaki patent, indicates the local user is out of shoot range in-and-of-itself, and *the Hiroaki patent does not describe any relevance for the position of the notification video*. Thus, the Hiroaki patent does not describe or suggest using the position of an abstract representation to indicate the location of the user or person within the video capturing volume of the camera, as required by amended claims 1, 10, 12 and 23. Likewise, the Wilensky publication and the Hindus, et al. patent do not describe or suggest using the position of an abstract representation to indicate the location of the user or person within the video capturing volume of the camera, as required by amended claims 1, 10, 12 and 23. Therefore, claims 1, 10, 12 and 23 distinguish patentably from the Hiroaki patent, the Wilensky publication, the Hindus, et al. patent and any combination of these references.

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Claims 2 through 9, 11 and 13 through 22 depend from and include all limitations of independent claims 1, 10, 12 and 23 as amended. Therefore, claims 2 through 9, 11 and 13 through 22 distinguish patentably from the Hiroaki patent, the Wilensky publication, the Hindus, et al. patent and any combination of these references for the reasons stated above for claims 1, 10, 12 and 23.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejections of claims 1 through 23 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any

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questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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 04/25/05

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